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# **REMARKS**

Since the official fee of \$450 for a two month extension of time was already paid on February 9, 2006, the Applicant is only paying the balance of the petition fee for a third months extension term, namely, \$570 (\$1,020 official fee for a three month extension of term minus \$450 official fee previously paid for a two month extension of term).

Claims 26-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejections and are not directed at distinguishing the present invention from the art of record in this case.

If any further amendment to this claims is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

Next, claims 26-30 are rejected, under 35 U.S.C. § 103, as being unpatentable over DE `116 in view of Harper `252. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

DE `116 arguably teaches a hard breaking device with first and second halves of a shift control element 15. A first half 10 of the shift control element is biased to be axially slidable by a spring 22. The second half 15 of the shift control element is stationary with respect to the first half 10 element. The recited feature of the claims of the current application would probably be compared to the second half 15 of the shift control element. The second half of the shift control element, as taught by DE `116, have a positive locking coupling device 16 which arguably

mates with a second positive locking element 18. This, however, is the extent of the similarities between the cited reference and the presently pending claims.

As currently claimed, the shift control element has a first half 2 and a second half 3. The second half 3 is generally fixed to a non-rotating component of the transmission 4, for example. The first half 2 of the shift control element forms part of a coupling device 6 and includes a frictional surface. This frictional surface is located for engagement with a frictional surface of a rotating transmission component 5. A spring 20 is provided to bias the frictional surface of the rotating transmission component 5 into engagement with the frictional surface of the first half 2 of the shift control element. It is to be noted that DE `116 does not show any type of friction device, as presently recited, and DE `116 does not in any way teach that the two frictional surfaces are biased toward one another via one or more springs.

Turning now to Harper `252, the reference relates to discloses a change gear planetary transmission having two sets of friction surfaces. One set is formed between the synchro cone 156 and the conical surface 158 and the second set is formed between the synchro cone 152 and the conical surface 132. It is noted that these friction surfaces contact one another when clutch member 136 is slid or moved to the right or the left (col. 8, Ins. 35-56). The slide member 136 and the ring gear 120 axially slide to engage the positive locking teeth 142 and 154 (col. 8, Ins. 41-46). Before the teeth engage, they are synchronized with one another by the friction surfaces.

It is respectfully submitted that the mechanism and arrangement of for engaging the frictional surfaces with one another are vastly different from the mechanism and arrangement as presently claimed. In particular, the friction surfaces, as currently claimed, are located between a pair of springs which are located so as to bias the friction surfaces toward engagement with one another. The applied prior art is not believed to in any way teach,

suggest or disclose such arrangement. Accordingly, the raised rejection in view of the applied art of DE `116 and Harper `252 should be withdrawn at this time.

Next, claims 23-25 are rejected, under 35 U.S.C. § 103, as being unpatentable over DE `116 in view of Harper `252 and further in view of Richards `296. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Examiner asserts that Richards `252 teaches a spring for loading the friction surface. It appears as though spring 112 may be used to bias the friction surface of the blocker 108 against the friction surface of the gear 106, as can be seen in Figs. 7 and 9. The arrangement of Richards `252 may bias one of the friction surfaces 108 against the other friction surface 106. However, the arrangement of the friction surfaces and the mechanism for biasing both of the friction surfaces, according to Richards `252, is distinctly different from that of the presently claimed invention.

As presently claimed, the first friction surface 18 is biased away from the rotating transmission component 5 toward the first shift control element 2 by means of a first spring 20. The first shift control element 2 is biased toward the first friction surface by a second spring 17. In short, both of the two friction surfaces are biased toward one another by first and second springs and this helps ensure that friction surfaces engage with one another prior to engagement of the positive locking elements 8, 22.

Additionally, when compared to new independent claim 41, none of the cited references is believed to in any way teach, suggest or disclose a first shift control half (2) having a) a first friction surface, b) a first positive locking element and c) a plurality of inner discs and the first shift control half being biased by a spring 17 towards the friction surface of a synchronizing ring 18.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claim 23 of this application now recites the features

of “. . . a coupling device (6) is formed between the first shift control element half (2) and the rotating transmission component (5); wherein the coupling device (6) includes a frictional element (7) for synchronizing engagement of the coupling device (6); the frictional element (7) of the coupling device (6) comprises an axially displaceable first friction surface element (18) connected to the rotating transmission component (5) for engaging with a mating second friction surface supported by the first shift control element half (2); and the coupling device (6) further comprises a positive-locking element (8) supported by the rotating transmission component (5) and a mating positive-locking element (22) supported by the first shift control element half (2), and the first friction surface element (18) is biased by a first spring (20) away from the rotating transmission component (5) toward the first shift control element half (2) such that before engagement of the positive-locking coupling device (6) occurs, the first friction surface element (18) comes into active engagement with the second friction surface of the first shift control element half (2) in order to synchronize the positive-locking coupling device (6) prior to engagement of the positive-locking coupling device (6), and a second spring (17) biases the first shift control element half (2) toward the frictional element (7) and frictional engagement between the first and the second shift control element halves (2, 3) only occurs after engagement of the first and the second positive locking elements (8, 22) with one another.”

Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the

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DE `116, Harper `252 and/or Richards `296 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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